

FORTY-NINTH DAY

(Wednesday, April 8, 1968)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with the the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 3, 1968.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 22, Proposing an amendment to Article III of the Constitution of the State of Texas.

H. B. No. 462, A bill to be entitled "An Act amending Article IV, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (codified as Article 6687b of Vernon's Texas Civil Statutes), to add a new section providing for the issuance of an occupational license; providing for the payment of a fee for such license; providing for a court order relating to such occupational license; providing a penalty; and declaring an emergency."

H. B. No. 738, A bill to be entitled "An Act establishing, authorizing, and providing for the 'County Industrial Training School District' located in any county in this state having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last preceding federal census, so as to provide vocational training for residents and non-residents of such county; authorizing the election and terms in office of three (3) trustees, and authorizing them to appoint four (4) certain additional persons to serve with them on such governing board for a term of no longer than four (4) years; providing certain powers and duties of such board; authorizing the issuance of bonds and notes in the accomplishment of the district's purposes; authorizing such district to levy, assess, and collect taxes; providing that the district shall be operated on its tax revenue, tuition, if any, gifts, donations, and endowments, and shall never become a charge against the state, or require appropriations therefrom; authorizing the abolishment of said district and the disposition of its affairs; providing a severability clause; and declaring an emergency."

H. B. No. 630, A bill to be entitled "An Act amending Section 66 of Chapter 25, Acts of the 39th Legislature, Regular Session, 1925 (compiled as Article 7880-66 of Vernon's Texas Civil Statutes); amending Article 1053; and amending Paragraph 5 of Article 7206 of the Revised Civil Statutes of Texas, 1925; to provide that where the board of equalization has raised the assessment of any person's property, then the written notice to the owner of the property shall describe the property on which the assessment is to be raised, and the figure to which the board intends to raise it; providing that the board of equalization of every agency or political subdivision of this State which is authorized to levy ad valorem taxes shall when the property has been rendered for taxation by the owner or his agent, likewise include in their notice of reassessments a description of the property and the figure to which the assessment is to be raised; eliminating the provision in Section 66 of Chapter 25, Acts of the 39th Legislature, 1925, providing that failure to give notice shall not relieve owner of duty to take notice

and attend meetings; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 50 by non-record vote.

Motion to reconsider vote by which House concurred in Senate amendments to H. B. No. 50, was spread on the Journal.

S. C. R. No. 14, Granting Mary Dan Wilson Sandlin, et al., permission to bring and maintain suit against the State of Texas, etc.

(With amendments.)

S. B. No. 46, A bill to be entitled "An Act to carry into effect the provisions of the amendment adding Section 49d to Article III of the Texas Constitution adopted at the General Election held on November 6, 1962; authorizing the acquisition and development of storage facilities by the Texas Water Development Board under certain conditions; defining certain terms; authorizing the Texas Water Development Board under certain conditions to execute long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government; limiting expenditures by the Texas Water Development Board for acquiring storage facilities as to principal obligations of \$50,000,000 and not to exceed \$15,000,000 for storage facilities in any single project; etc., and declaring an emergency."

(With amendment.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 347

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have as a visitor to the Senate, C. B. "Rusty" Word, son of our esteemed colleague, the Honorable J. P. Word, and Mrs. Word; and

Whereas, It is the desire of the Senate of Texas to utilize the services of this fine young citizen; now, therefore, be it

Resolved, By the Senate of Texas that this young man be designated honorary page of the Senate for today.

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented young Rusty Word to the Members of the Senate.

Senate Bill 442 on First Reading

Senator Ratliff moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent

Kennard

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Ratliff:

S. B. No. 442, A bill to be entitled "An Act amending Section 1 of Chapter 30, Acts of the 41st Legislature, 5th Called Session, 1930, as amended (compiled as Article 5519a of Vernon's Texas Civil Statutes), relating to proof of title to land, as against the apparent record title holder, by persons who have openly exercised dominion over and asserted claim to same and have paid taxes thereon for twenty-five years; and declaring an emergency."

To the Committee on State Affairs.

Senate Resolution 348

Senator Krueger offered the following resolution:

Whereas, The pen has in all ages been mightier than the sword; and

Whereas, Words put to paper by the pen at the hand of a dedicated, loyal Texan are as a signal to light a candle rather than curse the darkness; and

Whereas, "Candles in the Dark," A Book of Free Verse dedicated to Robert Frost, has been made available for all to partake of its bountiful, forceful and dynamic call to our deepest feelings as free men; and

Whereas, "Candles in the Dark" strikes a never-to-be-forgotten blow as one man's satellite of truth timely launched in a world that is half slave and half free; and

Whereas, "Candles in the Dark," within its printed page reveals the unharnessed spirit of the author in his supreme effort to carve jewels of brilliance out of true but humble heritage; and

Whereas, All who have been privileged to know the author proclaim "Candles in the Dark," together with "A Gift," dedicated to American Leadership, and "Space Age Spread," dedicated to Will Rogers, as notice to the public that the future holds for all who cherish courage in an individual and expression of independent thought, continuing achievements of excellence in free verse as reassuring companions to all America, as she reaches for the moon; and

Whereas, William Woods Flatt, a native of Cleburne, Johnson County, Texas, now of Dallas, has so distinguished himself and thus his native State as a modern—space age—pioneer in the art of expression of individual feelings, aspirations and emotions of the human soul through free verse; now, therefore, be it

Resolved, That The Senate of the State of Texas take due notice of "Candles in the Dark" and respond by this expression of deep appreciation for the efforts of William Woods Flatt for giving to his countrymen its beatitudes of right living and straight thinking and wish him God-speed for the future.

KRUEGER
WORD
PARKHOUSE

The resolution was read and was adopted.

Senate Bill 443 on First Reading

Senator Cole moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be sus-

pended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Cole:

S. B. No. 443, A bill to be entitled "An Act to amend Article 5949 of the Revised Civil Statutes of Texas, 1925, as amended by the Notary Public Act of 1943; the amendment relates to the time of reappointment and the period of qualifying of Notaries Public including new appointments for a new term of office in each odd numbered year, repealing all laws in conflict, providing for severability, and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 444 on First Reading

Senator Moore moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Dies
Bates	Hall
Blanchard	Hardeman
Calhoun	Harrington
Cole	Hazlewood
Colson	Herring
Creighton	Kazen
Crump	Kennard

Krueger	Richter
Moffett	Rogers
Moore	Schwartz
Owen	Spears
Parkhouse	Strong
Patman	Watson
Ratliff	Word
Reagan	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 444, A bill to be entitled "An Act amending Subsection (b) of Section 1, House Bill No. 603, Chapter 500, Page 1480, General and Special Laws of the State of Texas, 52nd Legislature, Regular Session, 1951, as amended, and being codified as Subsection (b) of Section 1 of Article 695g, Vernon's Texas Civil Statutes; redefining "employment" as the term is used in this Act so as to exclude from the Federal old-age and survivor's insurance system service in any policeman's position, which is subject to an existing Retirement System at the time the agreement is undertaken, in incorporated cities having a population of 250,000 or more according to the most recent decennial Federal census prior to the date of said agreement; providing a repealing clause, a saving clause, and declaring an emergency."

To the Committee on Privileges and Elections.

Senate Bill 445 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S. B. No. 445, A bill to be entitled "An Act amending Title 15, Acts of the 55th Legislature, as amended which is compiled as Article 326k 14 of Vernon's Texas Civil Statutes, providing that the District Attorney of the 53rd Judicial District shall represent the State in the Criminal District Court and all other District Courts of Travis County, providing for the appointment of a First Assistant District Attorney and other Assistant District Attorneys and secretaries with the consent and approval of the Commissioners' Court; providing for the minimum and maximum salaries to be paid; containing

a severability clause; and declaring an emergency.

To the Committee on Counties, Cities and Towns.

Senate Bill 446 on First Reading

Senator Strong moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Strong:

S. B. No. 446, A bill to be entitled "An Act to amend Section 3 or Chapter 88, Acts of the 41st Legislature, Second Called Session, 1929, as amended, (compiled as Article 6675a-3, Vernon's Civil Statutes of Texas) by adding a new subsection (f) to provide that motor vehicles of certain organizations shall be required to register such vehicles but shall not be required to pay registration fees but shall pay a fee of Five Dollars (\$5); and declaring an emergency."

To the Committee on Transportation.

Senate Concurrent Resolution 46

Senator Herring offered the following resolution:

S. C. R. No. 46, Granting a half day holiday to State employees on Good Friday.

Whereas, Friday, the twelfth of

April, 1963, is Good Friday, a Holy Day for Christians of all denominations; and

Whereas, Religious services are being held in churches throughout the State in observance of this day; and

Whereas, It is proper and desirable that State employees be afforded the opportunity of participating in the religious services of their faith on this occasion; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that all State departments and institutions be closed for a half day, emergency services excepted, beginning at twelve o'clock noon, on Friday, April 12, 1963.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read the first time and referred to the committees indicated:

H. B. No. 567, To the Committee on Jurisprudence.

H. B. No. 68, To the Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 376, To the Committee on State Affairs.

H. B. No. 143, To the Committee on Counties, Cities and Towns.

H. B. No. 206, To the Committee on Oil and Gas.

H. B. No. 523, To the Committee on Counties, Cities and Towns.

H. B. No. 630, To the Committee on State Affairs.

H. B. No. 738, To the Committee on Education.

H. B. No. 462, To the Committee on Jurisprudence.

H. J. R. No. 22, To the Committee on Constitutional Amendments.

Presentation of Guests

Senator Harrington by unanimous consent presented Mrs. B. C. Darnell

and Mrs. Ruby Kilpatrick, the wife of Representative Rufus U. Kilpatrick of Beaumont, to the Members of the Senate.

Senate Bill 447 on First Reading

By unanimous consent the following bill was introduced, read first time and referred to the committee indicated:

By Senator Schwartz:

S. B. No. 447, A bill to be entitled "An Act relating to the official shorthand reporters of the Tenth, Fifty-Sixth, and One-Hundred Twenty-Second Judicial Districts of Texas; re-enacting and amending Acts of the 55th Legislature, 2nd Called Session, 1957, Chapter 12, by fixing the maximum and minimum salary and method of determining same, and by fixing the fee for transcript; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Reports of Standing Committees

Senator Moore submitted the following report:

Austin, Texas,
April 3, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 444, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

MOORE, Chairman.

Senator Ratliff submitted the following reports:

Austin, Texas,
April 2, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 353, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 2, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 247, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 2, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 337, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 2, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 48, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senator Dies submitted the following reports:

Austin, Texas,
April 3, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 523, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Austin, Texas,
April 3, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 447, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,
April 3, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 386, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
April 3, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 267, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
April 3, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred S. B. No. 340, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

MOFFETT, Chairman.

Senator Hardeman submitted the following report:

Austin, Texas,
April 3, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 42, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

House Concurrent Resolution 52 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 52, Providing for suspension of the Joint Rules of both Houses to permit adjournment Thursday, April 11, 1963, to Tuesday, April 16, 1963.

The resolution was read.

On motion of Senator Moffett and by unanimous consent the resolution was considered immediately and was adopted.

House Bill 523 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent H. B. No. 523 was ordered not printed.

Senate Bill 447 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 447 was ordered not printed.

**House Concurrent Resolution 42
Ordered Not Printed**

On motion of Senator Bates and by unanimous consent H. C. R. No. 42 was ordered not printed.

Senate Resolution 351

Senator Moore offered the following resolution:

Whereas, during the week of April 22-27, railroad employees throughout the State will observe "Railroad Brotherhood Week" to commemorate the 60th anniversary of the founding of the Texas Joint Railway Labor Legislative Board; and

Whereas, The said Joint Board is composed of the following affiliated organizations:

Brotherhood of Railroad Trainmen.
Order of Railway Conductors and Brakemen.

Brotherhood of Locomotive Firemen and Enginemen.

The Order of Railroad Telegraphers.

Brotherhood of Locomotive Engineers.

Brotherhood of Maintenance of Way Employees.

Brotherhood of Railway Clerks.

Brotherhood of Railroad Signalmen; and

Whereas, The present Joint Board represents some 67,000 active and retired railroad employees in Texas and coordinates the activities of the above-named orders and brotherhoods; and

Whereas, these railroad labor organizations have helped create a better way of life for all our citizens; and

Whereas, It is the desire of the Senate of the 58th Legislature of the State of Texas to pay tribute to the railroad employees in our State on this special occasion; now therefore, be it

Resolved, That the Senate extend its congratulations and best wishes to the Texas Joint Railway Labor Legislative Board and offer its commendations to the railroad workers of Texas for the vital roles they are playing in the progress and prosperity of this State and nation.

MOORE

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Creighton, Cole, Colson, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Kazen, Kennard, Krueger, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Crump and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Resolution 352

Senator Rogers offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate John Reed Schwartz and Thomas Lee Schwartz, sons of Senator and Mrs. A. R. Schwartz; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and that they be named honorary pages for the day.

The resolution was read and was adopted.

Senator Rogers by unanimous consent presented John Reed and Thomas Lee to the Members of the Senate.

House Bill 80 on Third Reading

The President laid before the Senate on its third reading and final passage:

H. B. No. 80, A bill to be entitled "An Act amending Article 5.01 of Chapter 5, Title 122A, Taxation-General, Revised Civil Statutes of Texas, being Article 5.01 of Chapter 5, of House Bill 11, 56th Legislature, Third Called Session, 1959, levying an occupation tax on sulphur producers; providing the tax imposed shall be in lieu of the tax imposed by Article 5.01; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read third time and was passed.

Record of Votes

Senators Patman, Spears, Word, Blanchard, Kazen, Strong, Dies, Crump, Hardeman and Aikin asked to be recorded as voting "Nay" on the final passage of H. B. No. 80.

House Bill 75 on Second Reading

The President laid before the Senate on its second reading and passage to third reading.

H. B. No. 75, A bill to be entitled "An Act authorizing the Board of Directors of the Texas College of Arts and Industries to acquire land in Hidalgo County; to pledge future revenue of land acquired and bookstore revenue to secure a lien on land acquired; containing a severability clause; and declaring an emergency."

The bill was read second time.

Question—Shall H. B. No. 75 be passed to third reading?

Recess

On motion of Senator Ratliff the Senate at 11:58 o'clock a.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Leave of Absence

Senator Hardeman was granted

leave of absence for the remainder of today on account of important business on motion of Senator Aikin.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills.

H. B. No. 288, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Sections 17, 18, and 19, and by adding four (4) new Sections to be known as Sections 17-A, 18-A, 18-B, and 19-A; providing for the change in title from 'Aid to Dependent Children' to 'Aid and Services to Needy Families with Children'; amending the public Assistance Program for Aid and Services to Needy Families with Children, etc., and declaring an emergency."

H. B. No. 308, A bill to be entitled "An Act to permit bowling on Sunday; amending Article 285 of the Penal Code of Texas, 1925, to remove the prohibition against use of nine or ten pin alleys on Sunday; and amending Article 286 of the Penal Code of Texas, 1925, to exclude bowling alleys from the prohibition against opening of places of public amusement on Sunday; and declaring an emergency."

Report of Standing Committee

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
April 3, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 445, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Senate Bill 445 Ordered Not Printed

On motion of Senator Herring and

by unanimous consent H. B. No. 445 was ordered not printed.

Senate Bill 302 Re-referred

On motion of Senator Hazlewood and by unanimous consent S. B. No. 302 was withdrawn from the Committee on Finance and re-referred to the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
April 3, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and towns, to whom was referred S. B. No. 302, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Conference Committee on House Bill 264

Senator Spears called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 264 and moved that the request be granted.

The motion prevailed and the President announced the appointment of the following as a Conference Committee on the part of the Senate: Senators Spears, Bates, Herring, Moore and Reagan.

Senate Concurrent Resolution 14 With House Amendments

Senator Herring called S. C. R. No. 14 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed.

Presentation of Guests

Senator Dies by unanimous consent presented Mr. Simon Henderson Jr. of Lufkin to the Members of the Senate.

House Bill 75 on Second Reading

The Senate resumed the consideration of the pending business, same being H. B. No. 75 on its second reading and passage to third reading (the bill having been read the second time this morning).

Question—Shall H. B. No. 75 be passed to third reading?

(Senator Ratliff in the Chair.)

Senator Moffett offered the following amendment to the bill:

Amend House Bill No. 75 by striking out Section 3 of said bill and renumbering the succeeding sections.

The amendment was read.

Senator Reagan moved to table the amendment.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—20

Bates	Krueger
Blanchard	Owen
Cole	Parkhouse
Crump	Patman
Hall	Ratliff
Harrington	Reagan
Hazlewood	Schwartz
Herring	Spears
Kazen	Strong
Kennard	Watson

Nays—10

Aikin	Moffett
Calhoun	Moore
Colson	Richter
Creighton	Rogers
Dies	Word

Absent—Excused

Hardeman

(President in the Chair.)

The bill was then passed to third reading.

House Bill 75 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Krueger
Bates	Owen
Calhoun	Parkhouse
Cole	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Nays—6

Blanchard	Moffett
Colson	Moore
Creighton	Rogers

Absent—Excused

Hardeman

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Bates	Moore
Cole	Rogers
Crump	Owen
Dies	Parkhouse
Hall	Patman
Harrington	Ratliff
Hazlewood	Reagan
Herring	Richter
Kazen	Schwartz
Kennard	Strong
Krueger	

Nays—9

Aikin	Moffett
Blanchard	Word
Calhoun	Watson
Colson	Spears
Creighton	

Absent—Excused

Hardeman

House Bill 21 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 21, A bill to be entitled "An Act reducing the membership of the Game and Fish Commission to three members; reconstituting and changing the name of the Game and Fish Commission; etc., and declaring an emergency."

The bill was read second time.

(Senator Owen in the Chair.)

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill No. 21 by striking all of Section 1 and substituting in lieu thereof the following:

"Section 1. From and after the effective date of this Act the Game and Fish Commission shall be reconstituted and known as the Parks and Wildlife Department which shall be under the policy direction of a commission which shall consist of nine members, one of whom shall be designated by the Governor as chairman. The members of the Parks and Wildlife Commission shall be appointed by the Governor, which appointments shall be with the advice and consent of two-thirds of the members of the Senate present, if in session, and if not in session, the Governor shall appoint such members and issue a commission to them as provided by law, and their appointment shall be submitted to the next session of the Senate for their advice and consent in the manner that appointments to fill vacancies under the Constitution are submitted to the Senate. Such appointments made by the Governor shall be geographically distributed among the various sections of the State, north, south, east, west, and central Texas, so that not more than one appointee shall come from any one Senatorial district. The Governor shall appoint the members of the Parks and Wildlife Commission, three whose term shall expire February 1, 1965, three whose term shall expire February 1, 1967, and three whose term shall expire February 1, 1969, or until their successors are appointed and qualified. Thereafter, the Governor shall appoint members for terms of six years. In case of a vacancy in Commission membership, the Governor shall appoint a replace-

ment member to fill the unexpired term of the vacating member. A quorum for the dispatch of official business shall be five (5) members. The members of the Commission shall be reimbursed for their actual expenses incurred in attending meetings, and shall be paid a per diem as set out in the general appropriations act. The Commission shall meet as often as it deems necessary but shall meet at least once every quarter of the year."

The amendment was read.

Senator Calhoun offered the following amendment to the pending amendment.

Amend Hazlewood amendment to H. B. No. 21 by striking the words "senatorial district" wherever same may appear and substitute in lieu therefor the words "Supreme Judicial District."

CALHOUN
OWEN

The amendment to the pending amendment was read.

Senator Herring moved to table the amendment to the pending amendment.

(President in the Chair.)

Question on the motion to table, Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Bates	Kennard
Blanchard	Krueger
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Reagan
Hall	Richter
Harrington	Spears
Herring	Watson
Kazen	

Nays—10

Aikin	Owen
Calhoun	Rogers
Cole	Schwartz
Hazlewood	Strong
Moffett	Word

Absent

Ratliff

Absent—Excused

Hardeman

Question recurring on the amendment offered by Senator Hazlewood, Senator Herring moved to table the amendment.

Question on the motion to table. Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—17

Bates	Krueger
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Reagan
Harrington	Richter
Herring	Spears
Kazen	Watson
Kennard	

Nays—12

Aikin	Owen
Calhoun	Ratliff
Cole	Rogers
Hall	Schwartz
Hazlewood	Strong
Moffett	Word

Absent

Blanchard

Absent—Excused

Hardeman

Senator Watson offered the following amendment to the bill:

Amend House Bill 21 by adding after Section 5 a new section to be numbered Section 6 and re-number the following section to wit:

Section 6. The sale or use of any alcoholic beverage in any State Park or State owned land shall be unlawful.

Any person or persons who violate the provisions of this section for the first violation the penalty shall be six (6) months in jail and fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) — second violation, the penalty shall be one year and one day in the State Penitentiary and fined not less than seven hundred and fifty dollars (\$750.00) nor more than fifteen hundred dollars (\$1,500.00) and third violation and following the penalty shall be two to

five years in the State Penitentiary and fined not less than three thousand (\$3,000.00) or more than five thousand (\$5,000.00) dollars."

The amendment was read.

Senator Herring raised a point of order that the amendment offered by Senator Watson was not germane to the caption of the bill.

The President sustained the point of order.

Senator Calhoun offered the following amendment to the bill:

Amend House Bill No. 21 by striking all of Section 1 and substituting in lieu thereof the following:

"Section 1. From and after the effective date of this Act the Game and Fish Commission shall be reconstituted and known as the Parks and Wildlife Department which shall be under the policy direction of a commission which shall consist of six (6) members, one of whom shall be designated by the Governor as chairman. The members of the Parks and Wildlife Commission shall be appointed by the Governor, which appointments shall be with the advice and consent of two-thirds of the members of the Senate present, if in session, and if not in session, the Governor shall appoint such members and issue a commission to them as provided by law, and their appointment shall be submitted to the next session of the Senate for their advice and consent in the manner that appointments to fill vacancies under the Constitution are submitted to the Senate. Such appointments made by the Governor shall be geographically distributed among the various sections of the State, north, south, east, west, and central Texas, so that not more than one appointee shall come from any one Supreme Judicial District. The Governor shall appoint the members of the Parks and Wildlife Commission, two whose term shall expire February 1, 1965, two whose term shall expire February 1, 1967, and two whose term shall expire February 1, 1969, or until their successors are appointed and qualified. Thereafter, the Governor shall appoint members for terms of six years. In case of a vacancy in Commission membership, the Governor shall appoint a replacement member to fill the unexpired term of the vacating member. A quorum for the dispatch

of official business shall be four (4) members. The members of the Commission shall be reimbursed for their actual expenses incurred in attending meetings, and shall be paid a per diem as set out in the general appropriations act. The Commission shall meet as often as it deems necessary but shall meet at least once every quarter of the year."

The amendment was read.

Senator Herring moved to table the amendment.

Question on the motion to table. Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—18

Bates	Krueger
Blanchard	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Reagan
Harrington	Richter
Herring	Schwartz
Kazen	Spears
Kennard	Watson

Nays—12

Aikin	Moffett
Calhoun	Owen
Cole	Ratliff
Dies	Rogers
Hall	Strong
Hazlewood	Word

Absent—Excused

Hardeman

Senator Rogers offered the following amendment to the bill:

Amend H. B. 21 by striking the term "Parks and Wildlife Commission" wherever it occurs in the bill and inserting in lieu thereof the following: "Game, Fish and Parks Commission."

The amendment was read.

Senator Moore moved to table the amendment.

Question on the motion to table. Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—20

Bates	Blanchard
-------	-----------

Colson	Krueger
Creighton	Moore
Crump	Parkhouse
Dies	Patman
Hall	Richter
Harrington	Schwartz
Herring	Spears
Kazen	Strong
Kennard	Watson

Nays—10

Aikin	Owen
Calhoun	Ratliff
Cole	Reagan
Hazlewood	Rogers
Moffett	Word

Absent—Excused

Hardeman

Senator Rogers offered the following amendment to the bill:

Amend H. B. 21 by adding a new paragraph at the end of the present section 1.

"No person shall be appointed to the Commission nor shall the Commission appoint as Executive Director any person who shall have been convicted or pleaded guilty to any of the following offenses:

"1. Hunting or fishing with an illegal weapon, net, seine, trap, or any other device used to kill, capture or ensnare game animals.

"2. Hunting or fishing any game animal out of season, or possession of any illegally taken game animal."

The amendment was read.

Senator Herring moved to table the amendment.

Question on the motion to table. Yeas and Nays were demanded.

The motion to table the amendment prevailed by the following vote:

Yeas—24

Bates	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hall	Reagan
Harrington	Richter
Hazlewood	Schwartz
Herring	Spears
Kazen	Strong
Kennard	Watson
Krueger	Word

Nays—6

Aikin	Cole
Blanchard	Moffett
Calhoun	Rogers

Absent—Excused

Hardeman

Senator Cole offered the following amendment to the bill:

Amend H. B. No. 21, Section 1, by striking the last sentence of Section 1, and inserting in lieu thereof the following: "The Commission shall meet as often as it deems necessary, but shall meet at least once a month."

The amendment was read.

Senator Herring moved to table the amendment.

Question on the motion to table. Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—24

Bates	Moffett
Blanchard	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hall	Richter
Harrington	Schwartz
Herring	Spears
Kazen	Strong
Kennard	Watson
Krueger	Word

Nays—5

Aikin	Reagan
Calhoun	Rogers
Cole	

Absent

Hazlewood

Absent—Excused

Hardeman

Senator Rogers offered the following amendment to the bill:

Amend H. B. 21 by striking all below the Enacting Clause and substitute the following in lieu thereof:

Section 1. (a) The State Parks Board is abolished. There is created a State Parks Advisory Council,

which shall be subject to the supervision and direction of the State Highway Commission. All policy-making functions formerly vested in the State Parks Board are transferred to the State Parks Advisory Council.

(b) There is created within the State Highway Department a Parks Division. All powers, duties and functions formerly vested in the State Parks Board, other than those involving the making of policy, are transferred to the Parks Division of the State Highway Department.

(c) All files, records, forms, equipment, personal property of all kinds and real property held by the State Parks Board are transferred to the Parks Division of the State Highway Department, to be used as needed by the Parks Division and the State Parks Advisory Council. The Comptroller of Public Accounts shall provide the State Highway Commission with a detailed listing of personal property formerly held by the State Parks Board. The Comptroller shall transfer the inventory records and values of the personal property of the State Parks Board to the inventory records of the State Highway Commission upon written statement by the chairman of the commission that the commission has received the property.

(d) Whenever the name "State Parks Board" or any other designation intended to refer thereto appears in any law of this state, such name or designation shall mean and apply, as appropriate, to the State Parks Advisory Council, or to the Parks Division of the State Highway department or to both.

Sec. 2. (a) The State Parks Advisory Council shall be composed of three (3) members to be appointed by the Governor and confirmed by the Senate. Members shall serve terms of six (6) years from date of appointment, but in appointing the first council the Governor shall appoint one member for two (2) years, one member for four (4) years, and one member for six (6) years. Members of the council shall serve without compensation, but shall be reimbursed out of state funds for necessary traveling expenses and hotel bills.

(b) The council is vested with direction of the Parks Division in all matters involving policy. The council shall organize and submit budgets for itself and for the Parks Division.

The council is authorized to contract on behalf of the Parks Division with other divisions of the State Highway Department in order to obtain services, the provisions of which are regular functions of the Highway Department. The council shall select and employ an executive director for the Parks Division of the State Highway Department. Employees of the State Highway Department who serve in its Parks Division shall serve at the discretion of this executive director.

Sec. 3. All decisions and declarations by the council on matters of policy must be ratified by the State Highway Commission before they shall take effect or be published. The Highway Commission may, by majority vote at any regular meeting, assume any function, duty or power of the council, as the commission may deem advisable. The commission may, in the same fashion, transfer any function of the council or of the Parks Division of the Highway Department to any division within the Highway Department. The commission shall act as it deems advisable to secure orderly and efficient administration of the state parks system.

Sec. 4 (a) The State Parks Fund, the State Park Development Fund, the State Parks Board Special Mineral Fund, the Huntsville State Park Building Fund, and the Jim Hogg State Park Building Fund are all hereby abolished. Any balances remaining in the above funds on September 1, 1963, together with all revenues from whatever source heretofore accruing to the funds abolished shall be deposited in the State Treasury to a fund to be known as the Texas Parks Fund.

(b) The Texas Parks Fund and the Varner-Hogg Trust Account shall hereafter be administered by the State Highway Department and by the State Parks Advisory Council. All costs of carrying out the powers, duties and functions herein vested in the Parks Division of the State Highway Department and in the State Parks Advisory Council shall be paid from moneys appropriated by the Legislature out of the Texas Parks Fund and any other funds the Legislature may direct, except that no moneys shall be appropriated or expended from the State Highway Fund for this purpose.

Sec. 5. If any provision of this Act or the application thereof to any person or circumstance is held in-

valid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. All laws and parts of laws in conflict herewith are repealed to the extent of such conflict only. Section 1 of Chapter 25, Acts of the 38th Legislature, 2nd Called Session, 1923, as amended by Chapter 345, Acts of the 45th Legislature, Regular Session, 1937 (compiled as Article 6067 of Vernon's Texas Civil Statutes), which created the State Parks Board, and Chapter 187, Acts of the 43rd Legislature, Regular Session, 1933 (compiled as Article 6070b of Vernon's Texas Civil Statutes), which has effectively expired, are repealed.

Sec. 7. This Act shall become effective on September 1, 1963.

Sec. 8. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

The amendment was read.

Senator Herring raised the point of order that the amendment offered by Senator Rogers was not germane to the caption of the bill.

The President sustained the point of order.

Question—Shall H. B. No. 21 be passed to third reading?

Pending discussion by Senator Rogers of H. B. No. 21, Senator Word occupied the Chair.

(President in the Chair.)

Pending further discussion by Senator Rogers of H. B. No. 21, Senator Crump occupied the chair.

(President in the Chair.)

Question—Shall H. B. No. 21 be passed to third reading?

Welcome Resolutions

S. R. No. 349—By Senator Colson—Extending welcome to students and sponsor of Buffalo High School.

S. R. No. 350—By Senator Spears: Extending welcome to students and teacher of Neff Junior High School of San Antonio.

S. R. No. 353—By Senator Parkhouse: Extending welcome to Dallas County Republican Women representing 21 Republican Women's Clubs of Dallas.

S. R. No. 354—By Senator Herring: Extending welcome to students and teacher of Carver High School of Georgetown.

S. R. No. 355—By Senator Crump: Extending welcome to students and teacher of Saint Mary's School of Fredericksburg.

S. R. No. 356—By Senator Crump: Extending welcome to students of Government Class of Southwest Texas Junior College of Uvalde.

Recess

On motion of Senator Word the Senate at 6:17 o'clock p.m. took recess until 10:00 o'clock a.m. tomorrow.

FORTY-NINTH DAY

(Continued)

(Thursday, April 4, 1963)

After Recess

The Senate met at 10:00 o'clock a.m., and was called to order by the President.

Reports of Standing Committee

Senator Reagan by unanimous consent submitted the following reports:

Austin, Texas,
April 4, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 421, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman

Austin, Texas,
April 4, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Bank-